

RESOLUTION NO. 17-URA9

BY THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE KETCHUM URBAN RENEWAL AGENCY (THE "AGENCY"):

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KETCHUM URBAN RENEWAL AGENCY, APPROVING AND AUTHORIZING THE TRANSFER OF REAL PROPERTY OWNED BY THE AGENCY, LOCATED AT 491 SUN VALLEY ROAD, KETCHUM, IDAHO TO THE CITY OF KETCHUM, IDAHO; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION, made on the date hereinafter set forth by the Ketchum Urban Renewal Agency, an independent public body, corporate and politic, authorized under the authority of the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act"), a duly created and functioning urban renewal agency for Ketchum, Idaho, hereinafter referred to as the "Agency."

WHEREAS, the City Council ("City Council") of the City of Ketchum (the "City") by adoption of Ordinance No. 992 on November 15, 2006, duly adopted the Ketchum Urban Renewal Plan (the "2006 Plan") to be administered by the Agency;

WHEREAS, upon the approval of Ordinance No. 1077 adopted by the City Council on November 15, 2010, and deemed effective on November 24, 2010, the Agency began implementation of the amended Ketchum Urban Renewal Plan (the "Amended Plan");

WHEREAS, pursuant to the Law, the Act, and the Amended Plan, the Agency is authorized to own real property and carry out the purposes and various projects under the Amended Plan and to enter into and carry out contracts or agreements in connection therewith;

WHEREAS, the Agency previously acquired, renovated and leased a retail building and real property parcel located at 491 Sun Valley Road, Ketchum, Idaho (collectively the "Building") to a local business entity to operate a restaurant franchise, such local business entity being selected after the Agency solicited proposals in compliance with Idaho Code § 50-2011;

WHEREAS, the Agency has entered into additional leases or agreements for tenancy or other uses in the Building (all such leases or other agreements are referred to herein collectively as the "Lease");

WHEREAS, the Agency desires to dispose of and transfer ownership of the Building to the City;

WHEREAS, under the Law, the Agency may dispose of property to another public entity without going through a formal disposition process, with the public entity obligated to

commence any improvements for redevelopment of the property within a reasonable time (Idaho Code § 50-2011(e));

WHEREAS, under the Law, any public entity may purchase property from an urban renewal agency with or without consideration as the agency may determine and then must use the property for the purpose designated in the urban renewal plan, begin development within a period of time the agency determines is reasonable, and any other conditions the agency deems necessary to carry out the purposes of the Law (Idaho Code § 50-2015(f));

WHEREAS, since the Building has been redeveloped, rehabilitated, and renovated, the Agency desires to transfer the Building without requiring additional redevelopment of the Building since such requirements are not applicable, and the provisions of Idaho Code § 50-2011(e) and 50-2015(f) in regard to commencing redevelopment of the Building within a schedule of performance do not apply;

WHEREAS, the Agency has previously commissioned a fair market appraisal of the Building, which appraisal has determined the fair market value of the lease fee interest as of March 31, 2017, at \$1,350,000;

WHEREAS, the Agency has completed a lot line adjustment which has resulted in certain property adjacent to the Building being dedicated to the City for additional property for the City's Town Square;

WHEREAS, the City desires to keep the Building as an integral part of Town Square, which the Agency believes would retain the Building as a public amenity;

WHEREAS, the Agency board has determined it is in the best interests of the Agency and of the public to transfer the Building to the City subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF COMMISSIONERS OF THE KETCHUM URBAN RENEWAL AGENCY OF THE CITY OF KETCHUM, IDAHO, AS FOLLOWS:

Section 1. That the above recitals and statements are true and correct.

Section 2. The Chair, the Vice-Chair, and the Secretary of the Agency are each hereby authorized to take all action necessary or desirable in conformity with the Act to carry out the purposes of this Resolution, including without limitation, the preparation of all other agreements, documents and certificates to be delivered in connection with the transfer of the Building, including preparing any deeds transferring ownership of the Building to the City.

Section 3. That the Agency shall commence the process to transfer the Building to the City subject to the following conditions and assumptions:

a. Upon transfer of the Building, the City shall honor and comply with any and all previous Leases granted by the Agency.

b. Upon transfer of the Building, the City shall be responsible for operation, maintenance, and management of the Building, and the Agency shall be relieved of any and all obligations concerning the Building.

c. The City shall not be required to commence any further redevelopment of the Building, as the Building has been redeveloped as contemplated by the Law and the Plan.

d. The deed conveying the Building to the City shall include a use restriction limiting the use of the Building to a public use, subject to any applicable provisions of the Leases.

e. Upon transfer of the Building, the City shall receive all revenues generated by existing tenants and contracts in the Building.

f. Barring any unforeseeable delays, the Agency shall transfer all ownership of the building to the City no later than January 15, 2018.

Section 4. This Resolution shall take effect immediately upon its adoption and approval.

PASSED by the Urban Renewal Agency of Ketchum, Idaho, on September 18, 2017.
Signed by the Chair of the Board of Commissioners, and attested by the Secretary to the Board of Commissioners, on September 18, 2017.

URBAN RENEWAL AGENCY OF KETCHUM

By _____
Baird Gourlay, Chair

ATTEST:

By _____
Secretary